

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
4 State Bar No. 207108
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2010-259**

11 **MELANIE ANN CAMPBELL**
12 **14258 Sayre Street**
13 **San Fernando, CA 91342**

A C C U S A T I O N

14 **Registered Nurse License No. 492361**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
20 Department of Consumer Affairs.

21 2. On or about August 31, 1993, the Board issued Registered Nurse License Number
22 492361 to Melanie Ann Campbell (Respondent). The Registered Nurse License was in full force
23 and effect at all times relevant to the charges brought herein and will expire on October 31, 2010,
24 unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

STATUTORY PROVISIONS

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."

7. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

8. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

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9. California Code of Regulations, title 16, section 1443.5 states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

"(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

"(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

"(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

"(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

"(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

"(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

COST RECOVERY PROVISION

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 15. Respondent did not document a Heparin Flush after the infusion of the medication(s)
2 during her shift.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Gross Negligence)**

5 16. Respondent is subject to discipline under Code section 2761, subdivision (a)(1) on the
6 grounds of unprofessional conduct as defined under California Code of Regulations, title 16,
7 section 1442, in that on or about November 18, 2007, while on duty as a staff nurse at 4NE at
8 CSMC, Respondent was grossly negligent in her care of Patient #1 in the following respects:

- 9 a. During her shift, Respondent did not administer a Heparin Flush per protocol after the
10 infusion of the medication(s), or she failed to document the administration of a Heparin
11 Flush. Complainant refers to and incorporates all the allegations contained in
12 paragraphs 12 – 15, as though set forth fully.
- 13 b. During her shift, Respondent could not recall if she had checked the Heparin Flush vial
14 for correct medication, concentration, route, and absence of discoloration and
15 particulate matter. Complainant refers to and incorporates all the allegations contained
16 in paragraphs 12 – 15, as though set forth fully.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Incompetence)**

19 17. Respondent is subject to discipline under Code section 2761, subdivision (a)(1) on the
20 grounds of unprofessional conduct as defined under California Code of Regulations, title 16,
21 sections 1443 and 1443.5, in that on or about November 18, 2007, while on duty as a staff nurse
22 at 4NE at CSMC, Respondent was incompetent in her care of Patient #1 in the following respects:

- 23 a. At about 0900 hours, Respondent documented interventions (feeding and changing
24 diaper) which she did not personally perform, and failed to document that these
25 interventions were performed by Nurse Faloon. Complainant refers to and incorporates
26 all the allegations contained in paragraphs 12 – 15, as though set forth fully.


- 1 b. Respondent failed to document the endorsement of her patient to another nurse, after a
2 change of assignment occurred. Complainant refers to and incorporates all the
3 allegations contained in paragraphs 12 – 15, as though set forth fully.
4 c. Respondent failed to document the problems she encountered with her Charge Nurse,
5 Stephanie Faloon. Complainant refers to and incorporates all the allegations contained
6 in paragraphs 12 – 15, as though set forth fully.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License Number 492361, issued to
11 Melanie Ann Campbell;
12 2. Ordering Melanie Ann Campbell to pay the Board of Registered Nursing the
13 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
14 Professions Code section 125.3;
15 3. Taking such other and further action as deemed necessary and proper.
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18 DATED: 11/10/09


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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